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*Attorneys for Plaintiff State of California, by and
 through Attorney General Xavier Becerra*

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

**STATE OF CALIFORNIA by and through
 Attorney General Xavier Becerra;
 COUNTY OF LOS ANGELES; CITY OF
 LOS ANGELES; CITY OF FREMONT;
 CITY OF LONG BEACH; CITY OF
 OAKLAND; CITY OF STOCKTON,**

Plaintiffs,

v.

**WILBUR L. ROSS, JR., in his official
 capacity as Secretary of the U.S.
 Department of Commerce; U.S.
 DEPARTMENT OF COMMERCE; RON
 JARMIN, in his official capacity as Acting
 Director of the U.S. Census Bureau; U.S.
 CENSUS BUREAU; DOES 1-100,**

Defendants.

3:18-cv-01865

**REQUEST FOR JUDICIAL NOTICE IN
 SUPPORT OF PLAINTIFFS'
 OPPOSITION TO DEFENDANTS'
 MOTION FOR SUMMARY JUDGMENT**

Date: December 7, 2018
 Time: 10:00 a.m.
 Dept: 3
 Judge: The Honorable Richard G.
 Seeborg
 Trial Date: January 7, 2019
 Action Filed: March 26, 2018

INTRODUCTION

Plaintiffs respectfully request this Court take judicial notice of the certain facts and documents cited in Plaintiffs' Opposition to Motion for Summary Judgment, in accordance with Rule 201 of the Federal Rules of Evidence.

MATTERS TO BE JUDICIALLY NOTICED

Plaintiffs respectfully request that this Court take judicial notice of the following fact:

1. In November of 2018, the State of California allocated \$9,393,090 to the County of Los Angeles for community outreach related to the 2020 Census.

Grounds for judicial notice: This fact can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also Lee v. City of Los Angeles*, 250 F.3d 668, 688 (9th Cir. 2001) (a court may take notice of facts and documents that are "not subject to reasonable dispute.").

Sources of fact: California Complete Court – Census 2020, *Funding*, <https://census.ca.gov/2018/11/09/funding/>; California Complete Court – Census 2020, *County Contract Amounts*; <https://census.ca.gov/wp-content/uploads/sites/4/2018/11/County-Contract-Amounts.pdf>; *see also* Exhibit B to Declaration of Douglas S. Baron.

Plaintiffs respectfully request that this Court take judicial notice of the following documents:

2. STATE OF CALIFORNIA LEGISLATIVE ANALYST'S OFFICE, THE 2018-2019 BUDGET, CENSUS OUTREACH (Mar. 8, 2018), available at <https://lao.ca.gov/Publications/Report/3780>. A true and correct copy with added Bates labels is attached hereto as Exhibit A.

Grounds for judicial notice: This document can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also Lee*, 250 F.3d at 688. The Court may take notice of the legislative history of a statute. *See Anderson v. Holder*, 673 F.3d 1089, 1094 n.1 (9th Cir. 2012) (taking notice of excerpts of a Senate Report); *Daghlian v. DeVry Univ., Inc.*, 574 F.3d 1212, 1213 (9th Cir. 2009) (taking notice of legislative history of a Senate bill).

3. CALIFORNIA STATE BUDGET 2018-19, ENACTED BUDGET SUMMARY, available at <http://www.ebudget.ca.gov/2018-19/pdf/Enacted/BudgetSummary/FullBudgetSummary.pdf>. A true and correct copy with added Bates labels is attached hereto as Exhibit B.

Grounds for judicial notice: This document can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also Lee*, 250 F.3d at 688. Judicial notice may be taken of legislative enactments and regulations issued by any public entity in the United States. *See Daghlain*, 574 F3d at 1213, fn. 1; *Demos v. City of Indianapolis*, 302 F3d 698, 706 (7th Cir. 2002) (a district court can judicially notice public statutes); *Klay v. Panetta*, 758 F3d 369, 377 (DC Cir. 2014) (J. Griffith concur.opn.) (recognizing court may take judicial notice of statutes).

4. CALIFORNIA STATE BUDGET 2018-19, ENACTED BUDGET DETAIL, 0511 GOVERNMENT OPERATIONS, SECRETARY, available at <http://www.ebudget.ca.gov/budget/2018-19EN/#/Department/0511>. A true and correct copy with added Bates labels is attached hereto as Exhibit C.

Grounds for judicial notice: This document can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also Lee*, 250 F.3d at 688. Judicial notice may be taken of legislative enactments and regulations issued by any public entity in the United States. *See Daghlain*, 574 F3d at 1213, fn. 1; *Demos*, 302 F3d at 706; *Klay*, 758 F3d at 377.

5. STATE OF CALIFORNIA LEGISLATIVE ANALYST'S OFFICE, THE 2018-2019 BUDGET: CALIFORNIA SPENDING PLAN, (OCT. 2, 2018), available at <https://lao.ca.gov/reports/2018/3870/spending-plan-2018.pdf>. A true and correct copy with added Bates labels is attached hereto as Exhibit D.

Grounds for judicial notice: This document can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also*

1 *Lee*, 250 F.3d at 688. The Court may take notice of the legislative history of a statute. *See*
 2 *Anderson*, 673 F.3d at 1094 n.1; *Daghlian*, 574 F3d at 1213, fn. 1.

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 4 6. CALIFORNIA COMPLETE COUNT CENSUS 2020, PROGRESS REPORT ON THE CENSUS
 5 INFRASTRUCTURE, A REPORT TO THE JOINT LEGISLATIVE BUDGET COMMITTEE, THE ASSEMBLY
 6 SELECT COMMITTEE ON THE CENSUS, AND THE SENATE SELECT COMMITTEE ON THE 2020 UNITED
 7 STATES CENSUS (Oct. 1, 2018), available at [https://census.ca.gov/wp-](https://census.ca.gov/wp-content/uploads/sites/4/2018/10/Leg-Report-FINAL-100118-errata.pdf)
 8 [content/uploads/sites/4/2018/10/Leg-Report-FINAL-100118-errata.pdf](https://census.ca.gov/wp-content/uploads/sites/4/2018/10/Leg-Report-FINAL-100118-errata.pdf). A true and correct copy
 9 with added Bates labels is attached hereto as Exhibit E.

10 **Grounds for judicial notice:**

11 This document can be accurately and readily determined from sources whose accuracy
 12 cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also Lee*, 250 F.3d at 688. This
 13 Court may take judicial notice of public records. *See Jones v. Markiewicz-Qualkinbush*, 842 F3d
 14 1053, 1062, fn. 24 (7th Cir. 2016) (judicial notice taken of city council minutes); *Buffets, Inc. v.*
 15 *Leischow*, 732 F3d 889, 897 (8th Cir. 2013) (appellate court can take judicial notice based on
 16 records of Office of Comptroller that U.S. Bank's main office is in Ohio).

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 18 7. CENSUS 2020 CALIFORNIA COMPLETE COUNTY COMMITTEE AND THE CALIFORNIA
 19 GOVERNMENT OPERATIONS AGENCY, INITIAL REPORT TO THE OFFICE OF GOVERNOR EDMUND G.
 20 BROWN JR., COUNTING ALL CALIFORNIANS IN THE 2020 CENSUS, available at
 21 [https://census.ca.gov/wp-](https://census.ca.gov/wp-content/uploads/sites/4/2018/10/CCCC_Initial_Report_to_the_Governor-FINAL100218.pdf)
 22 [content/uploads/sites/4/2018/10/CCCC_Initial_Report_to_the_Governor-FINAL100218.pdf](https://census.ca.gov/wp-content/uploads/sites/4/2018/10/CCCC_Initial_Report_to_the_Governor-FINAL100218.pdf). A
 23 true and correct copy with added Bates labels is attached hereto as Exhibit F.

24 **Grounds for judicial notice:**

25 This document can be accurately and readily determined from sources whose accuracy
 26 cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also Lee*, 250 F.3d at 688. This
 27 Court may take judicial notice of public records. *See Jones*, 842 F3d at 1062, fn. 24; *Buffets*, 732
 28 F3d at 897.

1 8. SENATE BUDGET AND FISCAL REVIEW SUBCOMMITTEE NO. 4 PART A HEARING, 2017-
 2 2018 Leg. Sess. (Mar. 15, 2018) (Agenda), available at
 3 [https://sbud.senate.ca.gov/sites/sbud.senate.ca.gov/files/SUB4/03152018Sub4PartAHousingAgen](https://sbud.senate.ca.gov/sites/sbud.senate.ca.gov/files/SUB4/03152018Sub4PartAHousingAgenda.pdf)
 4 da.pdf. A true and correct copy with added Bates labels is attached hereto as Exhibit G.

5 **Grounds for judicial notice:** This document can be accurately and readily determined
 6 from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also*
 7 *Lee*, 250 F.3d at 688. The Court may take notice of the legislative history of a statute. *See*
 8 *Anderson*, 673 F.3d at 1094 n.1; *Daghlian*, 574 F3d at 1213, fn. 1.

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 10 9. ASSEMBLY BUDGET SUBCOMMITTEE NO. 4 STATE ADMINISTRATION HEARING, 2017-
 11 2018 Leg. Sess. (Apr. 24, 2018) (Agenda), available at
 12 [https://abgt.assembly.ca.gov/sites/abgt.assembly.ca.gov/files/Sub_4_April_24_2018%20\(2\).pdf](https://abgt.assembly.ca.gov/sites/abgt.assembly.ca.gov/files/Sub_4_April_24_2018%20(2).pdf).
 13 A true and correct copy with added Bates labels is attached hereto as Exhibit H.

14 **Grounds for judicial notice:** This document can be accurately and readily determined
 15 from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also*
 16 *Lee*, 250 F.3d at 688. The Court may take notice of the legislative history of a statute. *See*
 17 *Anderson*, 673 F.3d at 1094 n.1; *Daghlian*, 574 F3d at 1213, fn. 1.

18
 19 10. SENATE COMMITTEE ON BUDGET AND FISCAL REVIEW HEARING, 2017-2018 Leg.
 20 Sess. (May 22, 2018) (Agenda), available at
 21 [https://sbud.senate.ca.gov/sites/sbud.senate.ca.gov/files/FullC/05222018SBFRHearingAgendaOv](https://sbud.senate.ca.gov/sites/sbud.senate.ca.gov/files/FullC/05222018SBFRHearingAgendaOverviewof2018BudgetPlan.pdf)
 22 erviewof2018BudgetPlan.pdf. A true and correct copy with added Bates labels is attached hereto
 23 as Exhibit I.

24 **Grounds for judicial notice:** This document can be accurately and readily determined
 25 from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also*
 26 *Lee*, 250 F.3d at 688. The Court may take notice of the legislative history of a statute. *See*
 27 *Anderson*, 673 F.3d at 1094 n.1; *Daghlian*, 574 F3d at 1213, fn. 1.

11. ASSEMBLY BUDGET SUBCOMMITTEE NO. 4 STATE ADMINISTRATION HEARING, 2017-2018 Leg. Sess. (May 24, 2018) (Agenda), available at <https://abgt.assembly.ca.gov/sites/abgt.assembly.ca.gov/files/Sub%204%20May%2024%20%20%20May%20Revise.pdf>. A true and correct copy with added Bates labels is attached hereto as Exhibit J.

Grounds for judicial notice: This document can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also Lee*, 250 F.3d at 688. The Court may take notice of the legislative history of a statute. *See Anderson*, 673 F.3d at 1094 n.1; *Daghlian*, 574 F3d at 1213, fn. 1.

12. 2018-19 LEGISLATIVE BUDGET CONFERENCE COMMITTEE HEARING, (June 6, 2018) (Second Pass Agenda), available at <https://sbud.senate.ca.gov/sites/sbud.senate.ca.gov/files/conference/2018ConferenceAgenda2ndPass.pdf>. A true and correct copy with added Bates labels is attached hereto as Exhibit K.

Grounds for judicial notice: This document can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also Lee*, 250 F.3d at 688. The Court may take notice of the legislative history of a statute. *See Anderson*, 673 F.3d at 1094 n.1; *Daghlian*, 574 F3d at 1213, fn. 1.

13. 2018-19 LEGISLATIVE BUDGET CONFERENCE COMMITTEE HEARING, (June 8, 2018) (Close Out Agenda), available at <https://sbud.senate.ca.gov/sites/sbud.senate.ca.gov/files/conference/k06082018FinalCCCcloseOutAgenda.pdf>. A true and correct copy with added Bates labels is attached hereto as Exhibit L.

Grounds for judicial notice: This document can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also Lee*, 250 F.3d at 688. The Court may take notice of the legislative history of a statute. *See Anderson*, 673 F.3d at 1094 n.1; *Daghlian*, 574 F3d at 1213, fn. 1.

CONCLUSION

For the foregoing reasons, Plaintiffs respectfully ask the Court to grant their request and takes judicial notice of the above-listed facts and documents.

Dated: November 16, 2018

Respectfully Submitted,

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